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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,637	02/27/2002	Craig Mayo	3691-368	1812
23117	7590	06/24/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,637

Applicant(s)

MAYO ET AL

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten signature/initials.

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Response to Amendment

1. The amendment filed on 04/12/05 has been entered. Claims 1-12 remain pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The basis of this rejection is directed set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claim must be within the technological arts. Mere ideas in the abstract that do not apply, involve, use or advance the technological arts fail to promote the progress of science and the useful arts. For a process, the recited process must somehow apply, involve, use or advance the technological arts. Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use or advance the underlying process. Such is the case here, there is no recited component in the recited process that would render the claims statutory.

The examiner recommends by way of an example only recitation of a computer within the body of the claim if the specification supports such an amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,609,050).

As per claim 1, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+, col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+).

It would have been obvious for one of ordinary skill in the art at the time the invention was made that the damage to the vehicle could have been a variety of types of damage including windows.

As per claims 2-4, it would have been obvious for the skilled artisan to order replacement parts from the appropriate sources to bill for services and the parts accordingly.

5. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,609,050) in view of Busche (US 6,493,723).

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As per claims 5-7, the method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis regarding warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the method of Li to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

As per claims 8-12, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+, col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one of ordinary skill in the art at the time the invention was made that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 10 and 11, the method includes ordering replacement parts from the appropriate sources to bill for services and the parts (col. 8, line 9+).

The method of LI differs from the claimed method in that it does not include providing the retailer with statistical information and analysis concerning warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

Response to Arguments

6. Applicant's arguments filed on 4/12/05 have been fully considered but they are not persuasive.

Applicant argues that there is nothing in Li that discloses or suggests differentiating between types of window damage (a), (b) and (c) at the retailer regarding vehicle windows. Contrary to applicant's arguments, Li's system is also handling warranty claims for any types of damage in a vehicle including a window. Furthermore, Applicant argues that Li does not disclose or suggest replacing the window but this step is obvious once a determination is made of the damaged window that a replacement would be in order and depending on the determination, Li's system would use a different billing whether or not the manufacturer pays for the replacement. If the replacement is not covered under the warranty claim, the claim will be turned away and the customer or owner of the vehicle is liable to pay for the window replacement. As far as the 101 rejection, it stands because there is not a computer or a processor in the body of the claim implementing the handling warranty claims. Applicant's arguments are deemed unpersuasive, claims 1-12 are finally rejected.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

Ronda Harris 6/21/05
Primary Examiner

rl